REMARKS/ARGUMENTS

Claims 1, 5-7, 9 and 10 are pending herein. Claims 1 and 7 have been amended to include the subject matter of claims 4 and 8, respectively, and have been amended as supported by page 1, lines 15-17, and page 5, lines 17-26 of the specification, and Figs. 1, 2, 4 and 5 of the application, for example. Applicants respectfully submit that no new matter has been added.

Examiner Vanaman is thanked for courtesies extended to Applicants' undersigned representative during a telephonic interview on February 6, 2008. The contents of that interview have been incorporated into the following remarks.

1. Claims 1, 5 and 6 were rejected under §103(a) over Fagot in view of Wolf, and claim 4 was rejected under §103(a) over Fagot and Wolf in view of Emig. Because claim 1 has been amended to include the subject matter of claim 4, the following discussion will refer to the rejection over Fagot and Wolf in view of Emig. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Claim 1 recites a gliding board comprising a gliding surface that terminates in at least one raised end. The end is an elevated zone when the gliding board is flat such that the end extends a distance from a low point where the gliding surface begins to elevate and extends to a highest point of the elevated zone. The end has a peripheral zone and a central zone, the peripheral zone extending from sides of the end toward the central zone of the end. An upper face of the central zone extends to an intermediate point along a center longitudinal axis of the end that is positioned between the low point and the highest point and is closer to the highest point than the low point. The gliding board further comprises a pair of metal edges adjacent the gliding surface. Each of the edges terminate at a termination point within the end, and

a width of the peripheral zone is at least 5 mm at a location adjacent the termination point. A width of the peripheral zone, measured from a nearest point along the side of the end, increases from a value of zero level with the beginning of the peripheral zone to a maximum value at the highest point of the end. The upper face of the central zone is substantially parallel to the gliding surface within the end, and a continuous protective cover extends along the central zone, the discontinuity, and the peripheral zone throughout the end.

Examiner Vanaman is respectfully requested to note that in determining the differences between the prior art and the claims, the question under 35 USC §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious (MPEP 2141.02(I)). A patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified such that the discovery of the source of the problem is a part of the subject matter as a whole, which should always be considered in determining the obviousness of an invention under §103 (MPEP 2141.02(III)).

Examiner Vanaman is respectfully requested to note that the recited structural aspects of a gliding board are a direct result of the Applicants' identification of the source of the cracks formed in the protective cover extending throughout a raised end of a gliding board. When a gliding board is held flat, an end of the gliding board forms an elevated zone that experiences impacts while skiing and is often pressed down by another skier when standing in line for ski lifts (specification, page 1, lines 15-20). These deflections cause unsightly and undesirable cracking in a protective cover layer of the gliding board (specification, sentence bridging pages 1 and 2). Applicants have determined that if the thickness of the end is greatly reduced close to the side of the board, the protective upper layer of the board experiences reduced

stress, and thus reduced cracking, when the raised end is deformed (specification, page 3, lines 11-16). Further, Applicants have determined that the interface between the metal edge and the rest of the raised end constitutes a point of weakness where the mechanical stresses and the risk of cracking are concentrated (specification, page 2, lines 2-10). In light of this discovery, Applicants determined that the width of the peripheral zone should be at least 5 mm at a location adjacent the termination point (specification, sentence bridging pages 3 and 4).

Applicants have also discovered that the overall rigidity of the end can be maintained by having a central zone that has a sufficient thickness corresponding substantially to that of the rest of the front of the board, level with the beginning of the end (specification, page 3, lines 16-20). Applicants have determined that the shape and extent of the central zone to provide the necessary rigidity can be set by offsetting the side of the end to a position inside the sides of the end (specification, lines 23-24, and Fig. 1). Figs. 1 and 2 of the present application clearly show the inward offset shape of the central zone 6 from the sides 9 of the board and the extent of the central zone 6 in the raised front end 2 along the longitudinal axis of the board.

In summary, Applicants have determined that to reduce the likelihood of cracks in the protective cover layer, a peripheral zone of reduced thickness and a central zone of increased thickness must be provided throughout the raised end. If the raised end is not provided with a central zone as shown in Fig. 1, for example, the raised end would lack the necessary rigidity allowing for cracking to occur. If the peripheral zone is insufficient, the stress at the outer edges would be high and would result in cracking. All of the cited prior art, discussed more fully below, fail to identify the problem of cracking and fail to disclose the recited combination of central zone, peripheral zone, and metal edges that addresses the problem of cracking in the protective cover layer.

Fagot discloses, in Fig. 32, a gliding board including a central zone 7 and a peripheral zone 14. Fagot discloses, in Fig. 32, that the upper surface of the central zone 7 extends parallel to a flat section gliding surface 6, and not parallel to the gliding surface in the raised end 4. Accordingly, Fagot teaches that the central zone 7 is to diminish and ultimately cease as the elevation increases in the raised end 4 beyond an increased thickness of the central zone 7. Because the elevation increases substantially beyond the thickness of the central zone 7 in the flat section of the ski, Fagot teaches that the central zone is to cease at a very early point within the raised end, leaving a vast majority of the raised end 4 without any form of a central zone. Further, Fagot is entirely silent with regard to whether the metal edges terminate at some point within the raised end 4. Therefore, Fagot clearly fails to disclose or suggest (i) a central zone extending to an intermediate point along a center longitudinal axis of the end that is positioned between the low point and the highest point and is closer to the highest point that the low point, and (ii) a pair of metal edges that each terminate at a point within the raised end, as recited in claim 1.

Wolf fails to overcome the deficiencies of Fagot. Wolf discloses, a snowboard 10 including two raised ends separated by a flat portion. As shown in the cross-sections of Figs. 7-10, Wolf teaches that the gliding board 10, 110 do not include any form of metal edges that would terminate within one of the raised ends. Further, Wolf is entirely silent with regard to any potential for cracking in the pliant or non-pliant materials used in the upper layers of the device disclosed therein.

Emig is used by the PTO only for its alleged disclosure of edges that terminate at a termination point within the end. Similar to Fagot and Wolf, Emig is entirely silent with regard to cracking occurring in a raised end of the ski because of stresses occurring near the edges. Further, similar to Fagot, Emig discloses, in Fig. 5, that reinforcing sections 12, 13 providing a thicker central zone are to stop short of the

elevated zone of the end, as can be seen in the design of the layer 24 shown in Fig. 5. Accordingly, Emig fails to overcome the deficiencies of Fagot and Wolf.

For at least the foregoing reasons, the gliding board recited in claim 1 would not have been obvious to one skilled in the art provided with the disclosures of Fagot, Wolf and Emig. Since claims 5 and 6 depend directly from claim 1, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

2. Claims 1, 5-7, 9 and 10 were rejected under §103(a) over Andrus, and claims 4 and 8 were rejected under §103(a) over Andrus in view of Emig. Because claims 1 and 7 have been amended to include the subject matter of claims 4 and 8, respectively, the following discussion will refer to the rejection over Andrus in view of Emig. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Claims 1 and 7 recite, in relevant part, a gliding board comprising a gliding surface that terminates in at least one raised end, the end being an elevated zone when the gliding board is flat such that the end extends a distance from a low point where the gliding surface begins to elevate and extends to a highest point of the elevated zone. The end has a peripheral zone and a central zone, the peripheral zone extending from sides of the end toward the central zone of the end. An upper face of the central zone extends to an intermediate point along a center longitudinal axis of the end that is positioned between the low point and the highest point and is closer to the highest point than the low point. The gliding board further comprises a pair of metal edges adjacent the gliding surface. Each of the edges terminate at a termination point within the end, and a width of the peripheral zone is at least 5 mm at a location adjacent the termination point. A width of the peripheral zone, measured from a nearest point along the side of the end, increases from a value of zero level with a beginning of the

peripheral zone to a maximum value at the highest point of the end. The upper face of the central zone is substantially parallel to the gliding surface within the end.

The PTO takes the position that Fig. 2 of Andrus discloses that a gliding board is to include an alleged central zone 24 (i) that extends an entire distance from an underfoot zone to a raised end 16, (ii) that creates a peripheral zone, which varies in width from a maximum value near the underfoot zone to a minimum value near the highest point of the raised end 16, and (iii) that has a rounded upper surface over its length. Andrus is entirely silent with regard to whether metal edges terminate at some point within the raised end. Therefore, Andrus fails to disclose or suggest (i) that the upper face of the central zone can or should be substantially parallel to the gliding surface within the end, (ii) that a width of the peripheral zone, measured from a nearest point along the side of the end, increases from a value of zero level with a beginning of the peripheral zone to a maximum value at the highest point of the end, (iii) that each of a pair of metal edges adjacent the gliding surface is to terminate at a termination point within the end, and (iv) that a width of the peripheral zone is at least 5 mm at a location adjacent the termination point, as recited in claims 1 and 7.

Emig is used by the PTO only for its alleged disclosure of edges that terminate at a termination point within the end. Similar to Andrus, Emig is entirely silent with regard to cracking occurring in a raised end of the ski because of stresses occurring near the termination point of the metal edges. Further, Emig discloses, in Fig. 5, that reinforcing sections 12, 13 providing a thicker central zone are to stop short of the elevated zone of the end, as can be seen in the design of the layer 24 shown in Fig. 5, when the metal edges terminate in the raised end. Accordingly, Emig fails to overcome the deficiencies of Andrus.

For at least the foregoing reasons, the gliding board recited in claims 1 and 7 would not have been obvious to one skilled in the art provided with the disclosures of

Andrus and Emig. Since claims 5 and 6 depend directly from claim 1, and claims 9 and 10 depend directly from claim 7, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

If Examiner Vanaman believes that further contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

March 12, 2008
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